

**CHAPTER NO. 229**

**SENATE BILL NO. 1604**

**By Burchett, McNally, Crowe**

Substituted for: House Bill No. 1120

By David Davis, McDaniel, West, Montgomery

AN ACT To amend Tennessee Code Annotated, Section 62, Chapter 38, relative to tattoo parlors and tattoo artists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-38-201, is amended by adding the following as new, appropriately designated subparagraphs:

( ) "Department" means the Department of Health.

( ) "Commissioner" means the Commissioner of the Department of Health.

( ) "License" means the issuance of a license to perform tattooing to any individual, partnership, firm, or corporation.

( ) "Permit" means the issuance of a permit to a tattoo studio or establishment.

( ) "Registration" means license or permit, as applicable.

SECTION 2. Tennessee Code Annotated, Section 62-38-201, is further amended by deleting paragraphs (7) and (9) in their entirety and by substituting the following language:

(7) "Sterilization" means holding in an autoclave for fifteen (15) minutes, at fifteen pounds (15 lbs.) pressure, and at a temperature of two hundred fifty degrees Fahrenheit (250°F) or one hundred twenty-one degrees Celsius (121°C).

(8) "Tattoo artist" means any person, regardless of age, who engages in the practice/service of tattooing regardless of the type of tattoo or area to be tattooed.

SECTION 3. Tennessee Code Annotated, Section 62-38-201(13), is amended by deleting the word "license" and by substituting instead the word "permit" therefor.

SECTION 4. Tennessee Code Annotated, Section 62-38-202(g), is amended by adding the following language as subparagraphs (7) through (14):

(7) employees with infectious lesions on hands not restricted from tattooing;

(8) employees not practicing proper cleanliness and good hygiene practices;

(9) water supply not approved, hot and cold running water under pressure not available;

(10) approved sewage and liquid waste disposal not available;

(11) cross connection allowing back-siphonage present in plumbing system;

(12) toilet and hand washing facilities not available for employees;

(13) insect and rodent evidence, harborage, or outer opening present; or

(14) toxic items not properly stored, labeled, or used;

SECTION 5. Tennessee Code Annotated, Section 62-38-204(a), is amended by deleting the words “for consideration” and all other statutory references to the words “for consideration”.

SECTION 6. Tennessee Code Annotated, Section 62-38-204(a), is further amended by deleting the words and punctuation “collection of funds, etc.,” and by substituting instead the following:

and collection of funds

SECTION 7. Tennessee Code Annotated, Section 62-38-204(b), is amended by deleting it in its entirety and by substituting instead the following:

(b) No holder of a studio permit issued under this part shall allow a tattoo artist to engage in tattooing unless the tattoo artist:

(1) has attained the age of eighteen (18);

(2) currently holds a tattoo artist license; and

(3) either has a fourteen-day temporary permit or has an apprentice artist license.

SECTION 8. Tennessee Code Annotated, Section 62-38-208, is amended by designating the existing paragraph as “a” and by adding the following as paragraph “b”:

(b) Any suspension or revocation may be appealed to the local health officer who shall then conduct a hearing of such appeal in accordance with the Uniform Administrative Procedures Act in Title 4 of the Tennessee Code Annotated. The decision made by the local health officer concerning the appeal may be appealed to the commissioner, such appeal to the commissioner being limited to the issue of determining whether a material error of law was made at the hearing level.

SECTION 9. Tennessee Code Annotated, Section 62-38-210, is amended by adding the following as new paragraph “c”:

(c) The commissioner shall promulgate rules governing implementation of the provisions of this chapter.

SECTION 10. Tennessee Code Annotated, Section 62-38-202(a), is amended by deleting the language "fifty dollars (\$50.00)" and by substituting instead the language "one hundred dollars (\$100)".

SECTION 11. Tennessee Code Annotated, Section 62-38-202(c), is amended by deleting the language "two (2) times per year" and by substituting instead the language "four (4) times each year".

SECTION 12. Tennessee Code Annotated, Section 62-38-202(d), is amended by deleting the fourth sentence of such subsection in its entirety and by substituting instead the following:

If a second critical violation is committed within the period of one (1) year (calendar or otherwise), the tattoo studio shall be subject to a civil penalty of up to five hundred dollars (\$500) and the tattoo studio's certificate may be revoked.

SECTION 13. This act shall take effect immediately upon passage, the public welfare requiring it.

**PASSED: May 12, 1999**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 20th day of May 1999**

  
DON SUNDQUIST, GOVERNOR